

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31382
Date Received: 3/16/1993
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WAYNE R SMITH Phone: (208)585-2063
26230 MOONGLOW DR
MIDDLETON ID USA 83644

JOANN K SMITH Phone: (208)585-2063
26230 MOONGLOW DR
MIDDLETON ID USA 83644

2. Date of Priority: 10/26/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	02W	21	NW SW	CANYON	

5. Description of diverting works:

Well, pump & sprinkler system

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.04	19.8

7. Total Quantity Appropriated is:
0.04 C.F.S. and/or 19.8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	02W	21	NW	SW	IRRIGATION	0.4
			SW	SW	IRRIGATION	4
					Section Acres	4.4
					Total Acres	4.4

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-9069E.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Place of use is located within Lot 5, Block 1, Benchmark Estates Subdivision.

15. Basis of Claim: License

WATER RIGHT NO. 63-31382
As Modified by Transfer No. 69628

In accordance with the approval of Transfer No. 69628, Water Right No. 63-31382 is now described as follows.

Right Holder: WAYNE R SMITH AND
 JOANN K SMITH
 26230 MOONGLOW DR
 MIDDLETON ID 83644

Priority Date: 10/26/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.04 CFS	19.8 AF
			0.04 CFS	19.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSW Sec. 21 Twp 05N Rge 02W CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 02W 21											.4	4.0					4.4

Total Acres: 4.4

CONDITIONS OF APPROVAL

1. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
2. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

WATER RIGHT NO. 63-31382
As Modified by Transfer No. 69628

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
8. Place of use is located within Lot 5, Block 1, Benchmark Estates Subdivision.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of May, 2002


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69628

RECEIVED

MAY 22 2002

WATER RESOURCES
WESTERN REGION

This is to certify that: WAYNE R SMITH AND/OR
JOANN K SMITH
26230 MOONGLOW DR
MIDDLETON ID 83644
(208)585-2063

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
63-9069E	AJC/License	10/26/1977	0.37 cfs	166.1 af		36.9	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-9069E	YES	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-9069E	63-31382	0.04 cfs	19.8 af	N/A	4.4	63-31381	0.33 cfs	146.3 af	N/A	32.5
TOTALS		0.04 cfs	19.8 af	N/A	4.4		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of May, 2002

[Signature]
Chief, Water Allocation Bureau

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 69628WSagree to the following
application changes.12-26-01 Date.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Wayne Smith and/or JoAnn K Smith Phone (208) 585-2063
Post Office address 26230 Monglow Dr. Middleton, ID 83644

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Use private well for irrigation
instead of original well

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>portion 63-9069E</u>	<u>10/26/77</u>	<u>0.04 cfs</u>	<u>irrigation</u>	<u>3/15</u> to <u>11/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.04 cubic feet per second and/or 19.8 acre-feet per annum.

3. Source of water ground water tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	21	5N	2W	Canyon	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	2W	21									.4	.4							4.4

Total acres 4.4

PART 1

6. General Information:

a. Description of diversion system well, pump, sprinkler system

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks: Lot 5 Block 1 Bench Mark Estates

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 63-9069E

Priority Date: 10/26/1977

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

Trib

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15 11/15	1.85 CFS	845.6 AFA	
	Total Diversion	1.85 CFS	845.6 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	05N	02W	20	SENE		CANYON

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 02W 16																	.5
05N 02W 20	23.0			30.0													33.0
05N 02W 21					.5	34.0	34.0			20.4	4.0						8.5
																	94.5
																	92.9

Total Acres: 187.9

Conditions/Remarks:

1. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 63-9069E

*Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

no change

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

No

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.04 for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: no change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	2W	21																	4.4

Total acres 4.4

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 1.81 for irrig purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: no change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	2W	16																	.5
		20	23			30									33			8.5	94.5
		21					.5	34	34		20								88.5

Total acres 183.5

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Wayne R. Smith
(Signature of Applicant)

Subscribed and sworn to before me this 30 day of November 18 2001

Lori Harris
(Notary Public)

My commission expires 12-8-06

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by JFW Date 11/30/01 Protest filed by _____

Prelim. check by ly Fee 100.00 _____

Receipted by JFW Date 11/30/01 _____

Published in press-trib Copies of protest forwarded by _____

Pub. dates 1-17 + 24-02 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Receipt # W028540
well upgrade paid per receipt # W028587

07/03/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31382

NAME AND ADDRESS: WAYNE R SMITH
26230 MOONGLOW DR
MIDDLETON ID 83644

JOANN K SMITH
26230 MOONGLOW DR
MIDDLETON ID 83644

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
19.800 AFY

PRIORITY DATE: 10/26/1977

POINT OF DIVERSION:

T05N R02W S21 NWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
-----------------------	----------------------	-----------------

IRRIGATION	03/15 11/15	0.040 CFS 19.80 AFY
------------	-------------	------------------------

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T05N R02W S21	NWSW	0.40	T05N R02W S21	SWSW	4.00
---------------	------	------	---------------	------	------

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

07/03/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Place of use is located within Lot 5, Block 1, Benchmark Estates Subdivision.

Failure of the right holder to comply with the conditions of Transfer No 69628 is cause for the Director to rescind approval of the transfer.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-9069E.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.



Idaho Department of Water Resources

63-31382

T05N R02W S21



⊙ Point of Diversion

□ Place of Use

□ Sections

□ Quarter Quarter

Total irrigated
acres = 4.4



500 0 500 1000 Feet

IDWR

Prepared by: Sandy Egbert

Date: July 3, 2006

1987 NAAP Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31382 V1

WATER RIGHT NUMBER: 63-31382 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WAYNE R SMITH 26230 MOONGLOW DR MIDDLETON, ID 83644 (208)585-2063
Original Owner	JOHN W CLARK RT 1 BOX 137A CALDWELL, ID 83605
Original Owner	DAN CLARKE 2465 OVERLAND RD BOISE, ID 83705
Current Owner	JOANN K SMITH 26230 MOONGLOW DR MIDDLETON, ID 83644 (208)585-2063

Priority Date: 10/26/1977

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.040 CFS	19.80 AF
	<u>Total Diversion:</u>	0.040 CFS	19.80 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 21, Twp 05N, Rge 02W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	02W	21											.4	4.0					4.4

Conditions of Approval:

1. X60 Place of use is located within Lot 5, Block 1, Benchmark Estates Subdivision.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31382 V1

2. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. T08 Failure of the right holder to comply with the conditions of Transfer No 69628 is cause for the Director to rescind approval of the transfer.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
6. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-9069E.
7. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

Remarks:Comments:

1. PSKAGGS 5/17/2002 3:24:44 PM Transferred Right
Comment: This is now a approved transfer, transfer number = 69628

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: And
 Water District Number:
 Generic Max Rate Per Acre: 0.02
 Generic Max Volume Per Acre: 4.5
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	7/3/2006 2:28:15 PM	segbert			Active
POD	7/3/2006 2:28:33 PM	segbert			Active
Source	7/3/2006 2:29:11 PM	segbert			Active
POU	7/3/2006 2:29:27 PM	segbert			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31382 V1

Use	7/3/2006 2:30:07 PM	segbert	Active
Season	7/3/2006 2:30:31 PM	segbert	Active
Quantity	7/3/2006 2:31:07 PM	segbert	Active
Summary	07/03/2006	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	7/3/2006 2:28:33 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	7/3/2006 2:29:11 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	7/3/2006 2:29:27 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POD	7/3/2006 2:28:52 PM	segbert	Updated shape
POU	7/3/2006 2:29:47 PM	segbert	Updated shape for Active POU
Use	7/3/2006 2:30:08 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
General	7/3/2006 2:28:16 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31382 V1

Season	7/3/2006 2:30:31 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	7/3/2006 2:31:08 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - per transfer
Summary	7/3/2006 2:35:25 PM	segbert	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

07/03/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31382

WATER RIGHT NUMBER: 63-31382

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WAYNE R SMITH 26230 MOONGLOW DR MIDDLETON, ID 83644 (208)585-2063
Original Owner	JOHN W CLARK RT 1 BOX 137A CALDWELL, ID 83605
Original Owner	DAN CLARKE 2465 OVERLAND RD BOISE, ID 83705
Current Owner	JOANN K SMITH 26230 MOONGLOW DR MIDDLETON, ID 83644 (208)585-2063

Priority Date: 10/26/1977 ✓

Basis: License ✓

Status: Active ✓

SourceTributary

GROUND WATER ✓

Beneficial Use

IRRIGATION ✓

From To

03/15 to 11/15 ✓

3-1

Diversion Rate

0.040 CFS ✓

Annual Volume

19.80 AF ✓

Total Diversion:

0.040 CFS ✓

19.80 AF ✓

Location of Point(s) of Diversion

GROUND WATER

NW1/4SW1/4

Sec. 21, Twp 05N, Rge 02W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	02W	21											.4	4.0					4.4

Total Acres: 4.4

Conditions of Approval:

- 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31382

2. X60 Place of use is located within Lot 5, Block 1, Benchmark Estates Subdivision.
3. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-9069E.
5. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

↓
No 69628

Remarks:Comments:

1. psdaggs 5/17/2002 3:24:32 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 69628

Dates and Other Information:

Claim Received Date: 3/16/1993
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

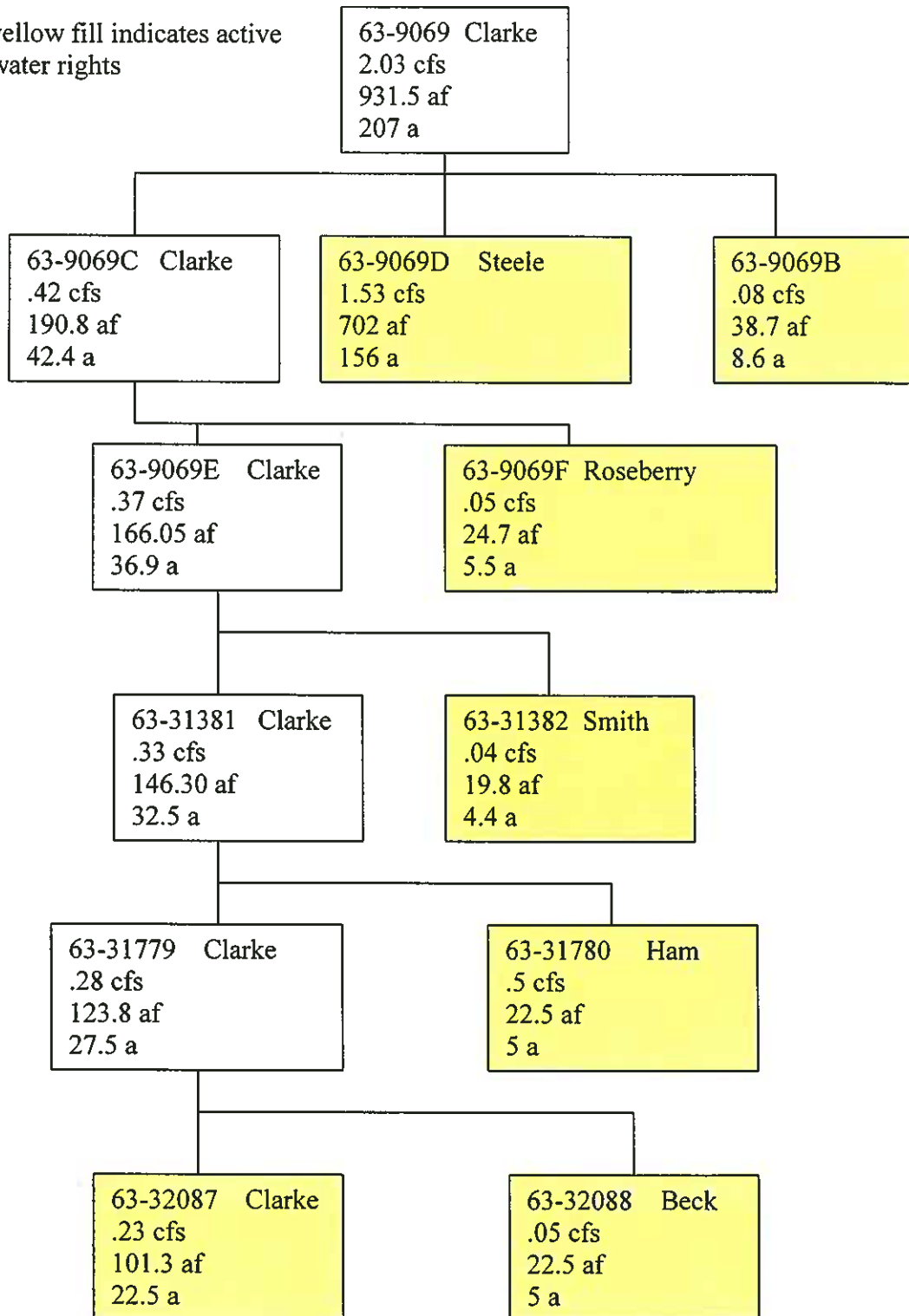
<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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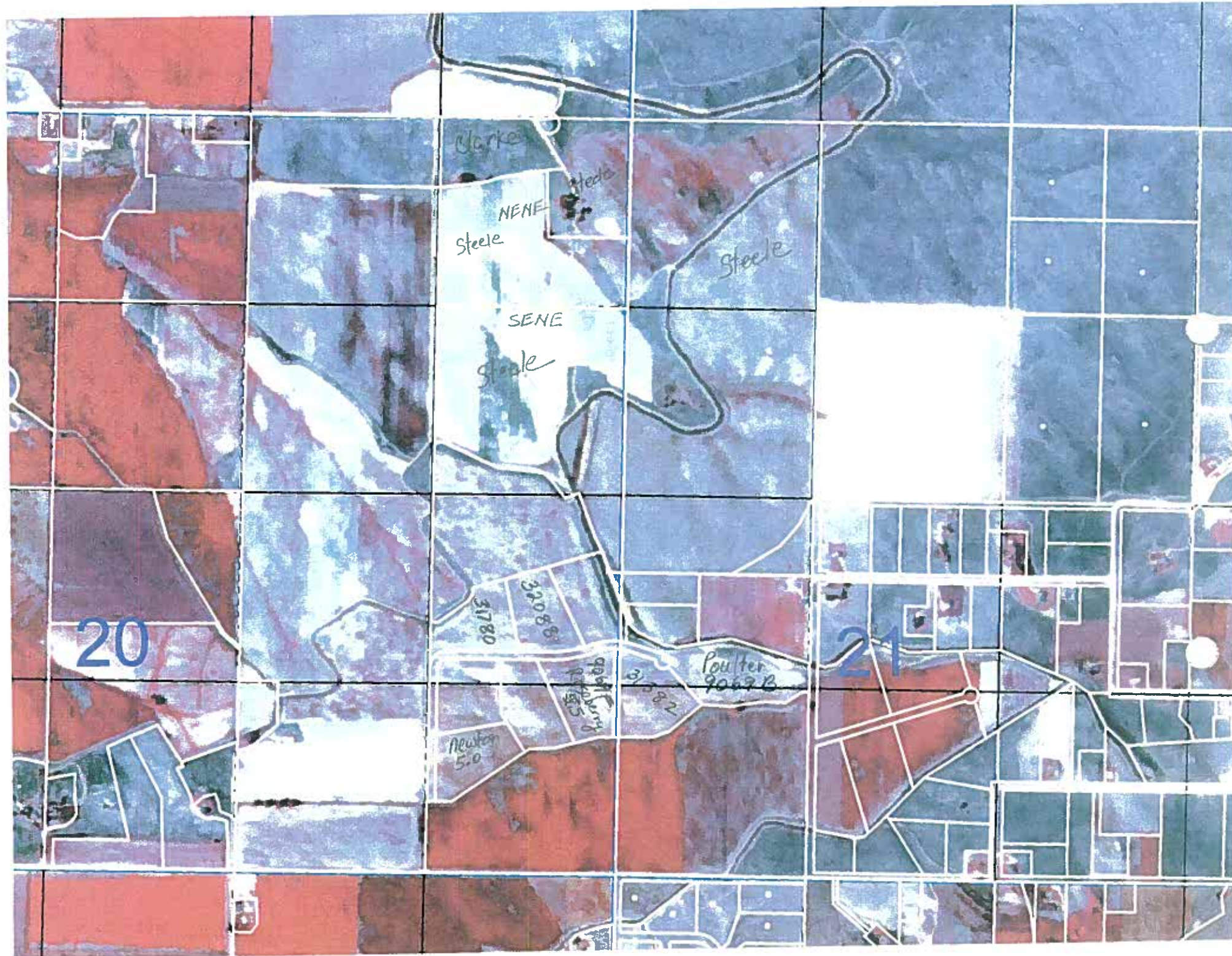
Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

yellow fill indicates active
water rights





SPLIT TREE

ALLOCATIONS

63-9069
2.03 cfs
931.5 AFA
207 ACRES

CLARKE
63-9069A
1.95 cfs
892.8 AFA
198.4 AC

(X-fer)
4278

POULTER
63-9069B
.08 cfs
38.7 AFA
8.6 AC

CLARKE
63-9069C
1.90 cfs
728.05 AFA
192.9 AC

(X-fer)
5264

ROSEBERRY
63-9069D
.05 cfs
24.75 AFA
5.5 AC

CLARKE
63-9069E
1.85 cfs
845.6 AFA
187.9 AC

(X-fer)
5431

~~HEWITT~~ Peterson
63-9069F
.05 cfs
22.5 AFA
5 AC

CLARKE
63-31382
1.81 cfs
825.8 AFA
183.5 AC

(X-fer)
69628

SMITH
63-31382
.04 cfs
19.8 AFA
4.4 AC



SRBA

63-9069
2.03 cfs
931.5 AFA
207 AC

CLARKE
63-9069A
1.95 cfs
892.8 AFA
198.4 AC

(X-fer)
4278

POULTER
63-9069B
.08 cfs
38.7 AFA
8.6 AC

CLARKE
63-9069C
.42 cfs
190.8 AFA
42.4 AC

(owner-
ship
change)

STEELE
63-9069D
1.53 cfs
702 AFA
156 AC

CLARKE
63-9069E
.37 cfs
166.05 AFA
36.9 AC

(X-fer)
5264

ROSEBERRY
63-9069F
.05 cfs
24.75 AFA
5.5 AC

CLARKE
63-31381
.33 cfs
146.25 AFA
32.5 AC

(X-fer)
69628

SMITH
63-31382
.04 cfs
19.8 AFA
4.4 AC

CLARKE
63-31779
.28 cfs
123.8 afa
27.5 ac

(X-fer)
70868

HOMBURG
63-31780
.05 cfs
22.5 afa
5 ac

Idaho Dept. of Water Resources Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	63 2878	BLACK CANYON IRRIGATION DIST,	ELIJAH DRAIN, WILSON DRAIN	05N02W21			X	X	X	X	X		X	X	X	X	X	X	X	X	0
Rec	63 2322	UNITED STATES OF AMERICA ACTING THROUGH,	ELIJAH SLOUGH, WILSON SLOUGH	05N02W21			X	X	X	X	X		X	X	X	X	X	X	X	X	0
App	63 12091	DARREL W POULTER, PHYLLIS J POULTER,	GROUND WATER	05N02W21										6.6	2						8.6
App	63 12252	GREGORY HEATON,	GROUND WATER	05N02W21												5					
Claim	63 30204	MIKE TALKINGTON,	GROUND WATER	05N02W21													X				0
Claim	63 30204	MIKE TALKINGTON,	GROUND WATER	05N02W21													X				0
Claim	63 30204	MIKE TALKINGTON,	GROUND WATER	05N02W21													2				2
Claim	63 32087	ESTATE OF DAN W CLARKE,	GROUND WATER	05N02W21					0.5												0.5
Claim	63 8264	DAN WATTS,	GROUND WATER	05N02W21										X							0
Claim	63 8264	DAN WATTS,	GROUND WATER	05N02W21										X							0
Claim	63 8264	DAN WATTS,	GROUND WATER	05N02W21										9							9
Claim	63 9069B	PHYLLIS J POULTER, DARREL W POULTER,	GROUND WATER	05N02W21										6.6	2						8.6
Claim	63 9069D	MARK STEELE, MICHELLE STEELE,	GROUND WATER	05N02W21						34	34			20							
Rec	63 30204	MIKE TALKINGTON,	GROUND WATER	05N02W21													X				0
Rec	63 30204	MIKE TALKINGTON,	GROUND WATER	05N02W21													X				0
Rec	63 31382	WAYNE R SMITH, JOANN K SMITH,	GROUND WATER	05N02W21										0.4	4						4.4
Rec	63 32087	ESTATE OF DAN W CLARKE,	GROUND WATER	05N02W21					0.5												0.5
Rec	63 8264	DAN WATTS,	GROUND WATER	05N02W21										X							0
Rec	63 8264	DAN WATTS,	GROUND WATER	05N02W21										X							0

**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Rec	63 8264	DAN WATTS,	GROUND WATER	05N02W21										9						9
Right	63 11182	HOWARD R GARWICK, GAIL E GARWICK,	GROUND WATER	05N02W21												7.5				7.5
Right	63 11196	TOM POINTS, KARI FREDERICK,	GROUND WATER	05N02W21				4.9												4.9
Right	63 11332	KEVIN BENHAM,	GROUND WATER	05N02W21												8.5				8.5
Right	63 11422	ROB MILLER,	GROUND WATER	05N02W21														3.2		3.2
Right	63 21395	TOM POINTS, KARI FREDERICK,	GROUND WATER	05N02W21				X												0
Right	63 21395	TOM POINTS, KARI FREDERICK,	GROUND WATER	05N02W21				X												0
Right	63 21575	JOHN ARVAI, CAROLYN S ARVAI,	GROUND WATER	05N02W21														X		0
Right	63 21575	JOHN ARVAI, CAROLYN S ARVAI,	GROUND WATER	05N02W21														X		0
Right	63 21742	RICK G BERRY, SANDRA L BERRY,	GROUND WATER	05N02W21								X								0
Right	63 25935	MARGARET L PETERSON, CARL H PETERSON,	GROUND WATER	05N02W21								X								0
Right	63 26183	JOHN J STOCKE, MELISSA STOCKE,	GROUND WATER	05N02W21													X			0
Right	63 26269	CRAIG R BAIRD, KAYE W BAIRD,	GROUND WATER	05N02W21													X			0
Right	63 26269	CRAIG R BAIRD, KAYE W BAIRD,	GROUND WATER	05N02W21													X			0
Right	63 27454	EUGENE ZURCHER, TERRI ZURCHER,	GROUND WATER	05N02W21												X				0
Right	63 27611	KAREN COOPER, CURTIS D COOPER,	GROUND WATER	05N02W21												X				0
Right	63 27808	LINDA DUX, RICHARD T DUX,	GROUND WATER	05N02W21				X												0
Right	63 28801	ROBBY MILLER, MARY MILLER,	GROUND WATER	05N02W21														X		0
Right	63 29734	JUDI BATES, JOHN BATES,	GROUND WATER	05N02W21															X	0
Right	63 8264	PAUL R FISHER,	GROUND WATER	05N02W21										9						9

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-09069

Priority: October 26, 1977

Maximum Diversion Rate: 2.03 CFS
Maximum Diversion Volume: 931.5 AF

This is to certify, that DAN CLARKE
2465 OVERLAND RD
BOISE ID 837050000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 26, 1977; and has submitted Proof of Beneficial Use on June 6, 1978. An examination indicates that the works have a diversion capacity of 2.030 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.03 CFS	931.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 20, Township 05N, Range 02W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	02W	16	NESE 0.5			0.5
		20	NENE 23	SENE 30	NESE 35	
			SESE 17			105
		21	NENW 0.5	NWNW 34	SWNW 34	
			NWSW 27	SWSW 6		101.5

wrong = SESE

Total number of acres irrigated: 207

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

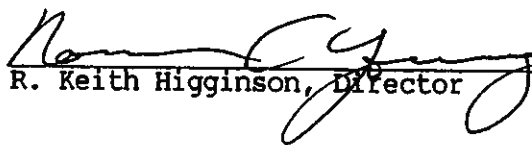
WATER RIGHT NO. 63-09069

CONDITIONS/REMARKS:

6. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 30TH day of MARCH, 1993.

Acting for


R. Keith Higginson, Director